

**Countryside Academy
Resolution Agreement
OCR Docket #15-22-1137**

Countryside Academy (the Academy) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The Academy agrees to take the following actions:

1. By **October 1, 2022**, the Academy will provide training by a competent authority on Section 504 regarding the Academy's obligations to students with disabilities pursuant to Section 504. The Academy will provide this training to, at a minimum, teachers and administrative staff serving [redacted] grade students. The training will specifically address, but not be limited to, the Academy's obligation under 34 C.F.R. § 104.33 to provide a free appropriate public education (FAPE) to each qualified student with a disability in the Academy.

Reporting Requirement: By **October 1, 2022**, the Academy will provide OCR with documentation showing that Item 1 has been implemented. Specifically, the Academy will submit to OCR:

- a sign-in sheet showing the names and titles of teachers and administrators who received the training; and
 - if OCR did not conduct the training, a copy of all training materials used at the training, such as PowerPoint presentations or other handouts.
2. By [redacted], the Academy will send a letter to the Student's parent(s) informing them of the right to reenroll the Student in the Academy. The letter will further notify the Student's parent(s) that, should the Student reenroll, the Academy will, by [redacted], convene a group of persons knowledgeable about the Student, the Student's evaluation data, and the placement options, including the Student's parent(s) (the Team), to develop an individualized education program (IEP) or Section 504 plan, as appropriate, to provide the Student with a FAPE. In addition, the letter will state that the Team will also at that meeting determine the compensatory education or other remedial services appropriate to address the Academy's implementation of the Student's Section 504 plan during the [redacted] school year. The letter will indicate that the Team will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), by whom, and when, and will become part of the Student's Section 504 plan or IEP. The Academy will provide the Student's parent(s) with a meaningful opportunity to provide input into the Team's determinations, notice of the determinations made, and notice of the procedural safeguards available to

them under 34 C.F.R. § 104.36, including the right to challenge the Team's determinations through an impartial due process hearing should they disagree.

Reporting Requirements:

- By **August 1, 2022**, the Academy will provide documentation to OCR showing that it has provided the Student's parent(s) with notice pursuant to Item 2, above, including a copy of the letter sent to the Student's parent(s).
- By **September 15, 2022**, the Academy will provide documentation to OCR of any Team meeting and follow-up activities and plans necessary to implement any determinations made as required in Item 2, above, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parent(s) and showing that procedural safeguards were provided to the parent(s), and any other documentation relevant to the determinations reached. If the Academy determined that no compensatory education or other remedial services were necessary, the Academy will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the Academy met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36 in making these determinations.
- If the Student has reenrolled in the Academy for the 2022-2023 school year, by **March 15, 2023**, the Academy will provide documentation to OCR verifying its implementation of the Student's IEP or Section 504 plan and of the dates, times, and locations that any compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service providers.

General Requirements

The Academy understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the Academy written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The Academy understands that OCR will not close the monitoring of this Agreement until OCR determines that the Academy has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II, which were at issue in this complaint.

The Agreement will become effective immediately upon the signature of the Academy's representative below.

/s/

7/11/2022

Lead Administrator or Designee

Date